

STATE PERSONNEL BOARD CALENDAR



SEPTEMBER 20, 2005

SACRAMENTO, CALIFORNIA

State of California

Memorandum

DATE: September 9, 2005

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Division

SUBJECT: Notice and Agenda for the **September 20, 2005**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on September 20, 2005, at the offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the September 20, 2005, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.



P. Fong
Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street²
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

MID MONTH MEETING – SEPTEMBER 20, 2005

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

²Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4th Street, Los Angeles, California.

FULL BOARD MEETING AGENDA³

SEPTEMBER 20, 2005
9:00 a.m. – 11:30 p.m.
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. – 9:30 a.m.)

1. **ROLL CALL**
2. **REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**
3. **REPORT OF THE CHIEF COUNSEL – Elise Rose**
4. **NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

5. **REPORT ON LEGISLATION – Sherry Hicks**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(9:30 a.m. – 10:30 a.m.)

6. **DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

³ The Agenda for the Board can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

7. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

State Personnel Board v. Department of Personnel Administration,
California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association,
California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court,
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

State Compensation Ins. Fund v. State Personnel Board/CSEA,
Sacramento Superior Court No. 04CS00049.

SEIU Local 1000 (CSEA) v. State Personnel Board,
Sacramento Superior Court No. 05CS00374.

The Copley Press, Inc. v. San Diego Superior Court,
California Supreme Court No. S128603.

Union of American Physicians and Dentists v. Department of Corrections, et al.,
United States District Court, Northern District of California.

8. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

9. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(10:30 a.m. – 11:00 a.m.)

10. **HEARING – WRITTEN STAFF REPORT FOR BOARD INFORMATION AND APPROVAL – Matilda Aidam**

ANNUAL REPORT TO THE LEGISLATURE – DISCRIMINATION COMPLAINT ACTIVITY IN THE STATE CIVIL SERVICE FOR CALENDAR YEAR 2004

Government Code section 19702.5(c) require the State Personnel Board to provide annually to the Legislature a report describing the discrimination complaint activity in the state civil service. This report covers the 2004 calendar year. SPB staff is requesting the Board to approve this report for submission to the Legislature.

(11:00 a.m. – 11:15 a.m.)

11. **HEARING – PROPOSED RESOLUTION TO ABOLISH ASSOCIATE GOVERNMENTAL PROGRAM ANALYST ELIGIBLE LIST CREATED BY THE CALIFORNIA DEPARTMENT OF EDUCATION**

The California Department of Education (CDE) is requesting that an eligible list created from a promotional Associate Governmental Program Analyst examination be abolished even though persons on the eligible list have not had twelve months of eligibility as required by statute. An investigation has revealed that the interview questions were not secure at all times during the development of the examination. This hearing is to allow the Board to consider this issue and to hear comments from interested parties.

(11:15 a.m. – Onwards)

12. **DISCUSSION OF COMING BOARD MEETING SCHEDULE OF OCTOBER 3, 2005, IN SACRAMENTO, CALIFORNIA**

BOARD ACTIONS:

13. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF AUGUST 9, 2005**
14. **EVIDENTIARY CASES** - (See Case Listings on Page 9-15)
15. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION** - (See Agenda Page 21-22)

16. NON-EVIDENTIARY CASES - (See Case Listings on Page 16-18)

17. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

- A.** The Department of Alcoholic Beverage Control (ABC) proposes to modify the minimum qualifications for the Deputy Division Chief (DDC), ABC, classification by reducing the minimum service required for its Pattern I from two years to one year and for Pattern II from five years to three years. This will permit candidates in the District Administrator, ABC, class to compete for the DDC, ABC, class in a timelier manner.

18. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

EXECUTIVE OFFICER, POLICY AND REGULATORY AFFAIRS

The Department of Water Resources proposes to allocate the above position to the CEA category. The Executive Officer, Policy and Regulatory Affairs is responsible for statewide direction, oversight, and coordination of the California Energy Resources Scheduling Division, and will act in the absence of the Deputy Director.

CHIEF DEPUTY DIRECTOR, EXTERNAL AFFAIRS

The Department of Water Resources Control Board proposes to allocate the above position to the CEA category. The Chief Deputy Director, External Affairs is responsible for development of policy and new initiatives for the consideration by the executive management team.

CHIEF DEPUTY DIRECTOR, WATER POLICY

The Department of Water Resources Control Board proposes to allocate the above position to the CEA category. The Chief Deputy Director, Water Policy is responsible for all surface water quality programs, for the discharge to land program, the water rights program, and for development of policy and new initiatives for the consideration by the executive management team.

CHIEF DEPUTY DIRECTOR, INTERNAL AFFAIRS

The Department of Water Resources Control Board proposes to allocate the above positions to the CEA category. The Chief Deputy Director position serves as the principle policy advisor to the Executive Director in matters regarding the Water Board's Financial Assistance, Information Technology, and Administration programs; and acts on behalf of the Executive Director during his/her absence.

PRINCIPAL DEPUTY LEGISLATIVE COUNSEL II, LEGAL DIVISION

The Legislative Counsel Bureau proposes to allocate the above position to the CEA category. The Principal Deputy Legislative Counsel II, Legal Division is responsible for managing one of four legal divisions within the Legislative Counsel Bureau.

**SENIOR ALTERNATIVE ENERGY ADVISOR, CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY**

The Air Resources Board proposes to allocate the above position to the CEA category. The Senior Alternative Energy Advisor is responsible for the development of policies and strategies for consideration by the Secretary of CalEPA and ultimately, the Governor that will advance the use of hydrogen and renewables in California.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

NONE

20. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

NONE

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

22. BOARD ACTIONS ON SUBMITTED ITEMS - (See Agenda - Page 19-20)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

A D J O U R N M E N T

14. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. **BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) **PATRICK BARBER, CASE NO. 04-0174PA**

Appeal from dismissal

Classification: Youth Correctional Counselor

Department: Department of the Youth Authority

Proposed decision adopted November 3, 2004
modifying dismissal to 45 calendar days suspension
Transcript prepared

Pending oral argument June 7, 2005, Sacramento

Oral argument continued

Oral argument heard July 13, 2005, Sacramento

Case ready for decision by FULL Board

(2) **JON CHASE, CASE NO. 04-0392A**

Appeal from 30 working days suspension

Classification: Associate Management Auditor

Department: Employment Development Department

Proposed decision rejected April 19, 2005

Transcript prepared

Pending oral argument July 13, 2005, Sacramento

Oral argument continued

Oral argument heard August 9, 2005, Sacramento

Case ready for decision by FULL Board

**(3) INTERNATIONAL UNION OF OPERATING ENGINEERS,
UNIT 12, LOCALS 3, 12, 39, & 501, CASE NO. 04-0813A
[PSC File No. 04-002 (b)]**

Review of personal services contract for maintenance and
grounds keeping

Department: California Science Center

Proposed decision rejected June 21, 2005

Transcript prepared

Oral argument heard August 30, 2005, Los Angeles

Case ready for decision by FULL Board

(4) JOSEPH MARTINEZ, CASE NO. 04- 2690A

Appeal from dismissal

Classification: Hospital Police Officer

Department: Department of Mental Health

Proposed decision rejected May 17, 2005

Transcript prepared

Oral argument heard August 30, 2005, Los Angeles

Case ready for decision by FULL Board

(5) JAMES MCAULEY, CASE NO. 04-1856A

Appeal from dismissal

Classification: Associate Transportation Engineer, Caltrans
(Registered)

Department: Department of Transportation

Proposed decision rejected March 8-9, 2005

Transcript prepared

Oral argument heard June 7, 2005, Sacramento

Case ready for decision by FULL Board

(6) ANDREW RUIZ, CASE NO. 04-2391A

Appeal from dismissal

Classification: Correctional Lieutenant

Department: Department of Corrections

Proposed decision rejected June 7, 2005

Transcript prepared

Oral argument heard August 30, 2005, Los Angeles

Case ready for decision by FULL Board

B. CASES PENDING

ORAL ARGUMENTS

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS

- (1) **DELWIN BROWN, CASE NO. 04-1665R**
MARCEL BERRY, CASE NO. 04-1667R
STEVE CHIU, CASE NO. 04-1773R
LINDA BERSHELL-BRIDGES, CASE NO. 04-1777R
ROBERT DUTRA, CASE NO. 04-1800R
DANIEL TORRES, CASE NO. 04-1714R
Errata to decision adopted by the Board on August 30, 2005
Classification: Youth Correctional Officer, Youth Correctional Counselor and Senior Youth Correctional Counselor
Department: Department of the Youth Authority

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) MARK A. AMMONS, CASE NO. 05-0980**
Appeal from dismissal
Classification: Parole Agent I (Adult Parole)
Department: Department of Corrections
- (2) CHRISTINA CLARK, CASE NO. 05-1354**
Appeal from five percent reduction in salary for six months
Classification: Psychiatric Technician
Department: Department of Developmental Services
- (3) JOHN GARZA, CASE NO. 05-1328**
Appeal from official reprimand
Classification: Correctional Lieutenant
Department: Department of Corrections
- (4) JULIE KINDLE, CASE NO. 05-1378**
Appeal from ten working days suspension
Classification: Caltrans Equipment Operator II
Department: Department of Transportation
- (5) DARIN MORRIS, CASE NO. 05-0643**
Appeal from five percent reduction in salary for six months
Classification: Correctional Officer
Department: Department of Corrections
- (6) RENEE E. VALENTINE, CASE NO. 05-1047**
Appeal from rejection during probationary period
Classification: Motor Vehicle Technician
Department: Department of Motor Vehicles
- (7) HERMAN VARGAS, CASE NO. 05-0206**
Appeal from termination with fault
Classification: Agricultural Technician I (Seasonal)
Department: Department of Food and Agriculture

Proposed Decisions Taken Under Submission At Prior Meeting

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) NILOUFAR DIDEHVAR, CASE NO. 04-3047PA**
Appeal from dismissal
Classification: Transportation Engineer (Civil)
Department: Department of Transportation
- (2) PHYLLIS HARMON, CASE NO. 03-1693P**
Appeal from dismissal
Classification: Exhibit Representative II
Department: Department of Food and Agriculture
- (3) EDWARD QUIGLEY, CASE NO. 04-1380EP**
Appeal from discrimination complaint
Classification: Chaplain
Department: Department of Corrections
- (4) JOHN SHELLCROFT, CASE NO. 05-1251P**
Appeal from dismissal
Classification: Physician and Surgeon
Department: Department of Corrections

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) PATRICK BRASS, CASE NO. 04-1952A

Appeal from dismissal

Classification: Youth Correctional Counselor

Department: Department of the Youth Authority

Proposed decision rejected July 26, 2005

Pending transcript

(2) GARY GARFINKEL, CASE NO. 98-3128RBA

Appeal for determination of back salary, benefits and interest

Classification: Deputy Attorney General IV

Department: Department of Justice

Proposed decision rejected July 13, 2005

Transcript prepared

Pending oral argument October 4-5, 2005, Sacramento

**(3) INTERNATIONAL UNION OF OPERATING ENGINEERS, UNIT 12, LOCALS 3, 12, 39, & 501, CASE NO. 04-0813A
[PSC File No. 04-002 (b)]**

Review of personal services contract for maintenance and grounds keeping

Department: California Science Center

Proposed decision rejected June 21, 2005

Transcript prepared

Pending oral argument August 30, 2005, Los Angeles

(4) MINAS MAROKI, CASE NO. 04- 2700A

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections

Proposed decision rejected August 9, 2005

Pending transcript

(5) JOSEPH MARTINEZ, CASE NO. 04- 2690A

Appeal from dismissal

Classification: Hospital Police Officer

Department: Department of Mental Health

Proposed decision rejected May 17, 2005

Transcript prepared

Pending oral argument August 30, 2005, Los Angeles

(6) KIM RITTENHOUSE, CASE NOS. 03-3541A & 03-3542E

Appeal from denial of reasonable accommodation
and from constructive medical termination

Classification: Office Technician (General)

Department: Department of Fish and Game

Proposed decision rejected May 18, 2004

Pending transcript

(7) ANDREW RUIZ, CASE NO. 04-2391A

Appeal from dismissal

Classification: Correctional Lieutenant

Department: Department of Corrections

Proposed decision rejected June 7, 2005

Transcript prepared

Pending oral argument August 30, 2005, Los Angeles

(8) MARK SAMORA, CASE NO. 04-3091A

Appeal from dismissal

Classification: Correctional Lieutenant

Department: Department of Corrections

Proposed decision rejected July 13, 2005

Transcript prepared

Pending oral argument October 4-5, 2005, Sacramento

16. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) EDIBERTO FARFAN, CASE NO. 04-2092**
Classification: Correctional Officer
Department: Corrections
Issue: Ineligible to possess a firearm.
- (2) ERNEST GUZMAN, CASE NO. 04-2584**
Classification: Motor Vehicle Field Representative
Department: Motor Vehicles
Issue: Suitability and misdemeanor convictions.
- (3) NICOLE HAMMOND, CASE NO. 04-2343**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; omitted pertinent information, furnished inaccurate information and had a negative employment record.
- (4) ISMAEL HERNANDEZ, CASE NO. 04-1870**
Classification: Correctional Officer
Department: Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information during the selection process.
- (5) YOSEF KARIM, CASE NO. 05-0410**
Classification: Youth Correctional Counselor
Department: Youth Authority
Issue: Suitability and illegal drug usage.

- (6) **RAFAEL LOPEZ, CASE NO. 04-1869**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; omitted pertinent information and furnished inaccurate information during the selection process.
- (7) **SHAUNA NALL, CASE NO. 04-2881**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability and omitted pertinent information.
- (8) **JORGE OCHOA, CASE NO. 04-1595**
Classification: Correctional Officer
Department: Corrections
Issue: Failure to comply with legal obligations.
- (9) **JEREMY RICE, CASE NO. 04-2880**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; omitted pertinent information, negative driving and employment record.
- (10) **ALEJANDRO ZAVALA, CASE NO. 04-2188**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability and illegal drug activity.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

NONE

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

EXAMINATION APPEALS

NONE

MINIMUM QUALIFICATIONS

NONE

MERIT ISSUE COMPLAINTS

NONE

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

NONE

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

6. JAMES MCAULEY, CASE NO. 04-1856

Appeal from dismissal. Associate Transportation Engineer. Department of Transportation. (Oral argument held June 7, 2005.)

7. HEARING – Personal Services Contract #05-03

Appeal of SEIU Local 1000 (CSEA) from the Executive Officer's February 16, 2005 Approval of a Contract for Information Technology Services between the California Department of Health Services (DHS) and IDNS, Inc. (Hearing held July 13, 2005)

8. PATRICK BARBER, CASE NO. 04-0174A.

Appeal from dismissal. Youth Correctional Officer. Department of Youth Authority. (Oral Argument held July 13, 2005)

9. JON CHASE, CASE NO. 04-0392A.

Appeal from 30 working days suspension. Associate Management Auditor. Employment Development Department. (Oral Argument held August 9, 2005)

10. HEARING – PERSONAL SERVICES CONTRACT # 05-07

Appeal of Department of General Services (DGS) from the Executive Officer's April 22, 2005 Disapproval of a Proposed Three-Year Cost-Savings Contract with American Building Maintenance janitorial Services for Custodial Services for the Franchise Tax Board. (Hearing held August 9, 2005)

**11. INTERNATIONAL UNION OF OPERATING ENGINEERS,
UNIT 12, LOCALS 3, 12, 39, & 501, CASE NO. 04-0813A [PSC File No. 04-002 (b)]**

Review of personal services contract for maintenance and grounds keeping. California Science Center. (Oral Argument held August 30, 2005)

12. JOSEPH MARTINEZ, CASE NO. 04-2690A

Appeal from dismissal. Hospital Police Officer. Department of Mental Health. (Oral Argument held August 30, 2005)

13. ANDREW RUIZ, CASE NO. 04-2391A

Appeal from dismissal. Correctional Lieutenant. Department of Corrections. (Oral Argument held August 30, 2005)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *



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(Cal. 9/20/05;)

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

The status of major legislation being followed for impact on Board programs and the general administration of the State Civil Service Merit System is detailed in the attached report.

Any legislative action that takes place after the printing of this report, which requires discussion with the Board, will be covered during the Board meeting.

Please contact me directly should you have any questions or comments regarding this report. I can be reached at (916) 653-0453.

Sherry Hicks
Director of Legislation

Attachment

**STATE PERSONNEL BOARD
LEGISLATIVE TRACKING
REPORT
2005-06 SESSION**

**Status as of
September 7, 2005**



ASSEMBLY/SENATE BILLS
(Tracking)

BILL/ AUTHOR	BOARD POSITION	SUBJECT	STATUS OF BILL
AB 38 (Tran)	OPOSE	AB 38 proposes suspending the salaries of specific state board and commission members for the fiscal years 2005 through 2009. The State Personnel Board is one of those boards that would not receive salaries for those fiscal years.	Assembly Business and Professions Committee. Died in Committee.
AB 47 (Cohn)	NEUTRAL	This bill would prohibit, except under specified circumstances, the Department of General Services from authorizing the Department of Corrections to enter into contracts for medical care services without seeking competitive bids for those contracts	To Enrollment.
AB 94 (Haynes)	NEUTRAL	Among other things, this bill would require various state agencies to prepare and provide a report to the Senate Committee on Rules, the Assembly Committee on Rules, and to each member of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget on the financial activities of the agency, board, commission, department, or office for the 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 fiscal years no later than January 15, 2006, and for each subsequent fiscal year by January 15 of the following year.	Assembly Business and Professions Committee. Failed passage. 2-year Bill.

AB 124 (Dymally)	SUPPORT	This bill would repeal requirements to annually establish employment goals and timetables based on race or gender that were invalidated by the California Court of Appeal in <i>Connerly v. State Personnel Board</i> , and re-title Chapter 12 of Part 2, Division 5, Title 2 of the Government Code from "Affirmative Action Program" to "State Equal Employment Opportunity Program". In addition, it would strengthen equal employment opportunity requirements.	Enrolled, to Governor.
AB 194 (Dymally)		The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and all persons be permitted to attend. This bill would remove the requirement that the legislative body be allowed to cure or correct an alleged violation prior to commencement of a legal action and would remove provisions that preclude specified actions from being determined to be null and void.	Assembly Committee on Local Government. Hearing cancelled at the request of author. (2-Year Bill).
AB 195 (Dymally)	NO POSITION	This bill would expand the remedies available to individuals who file discrimination complaints with the State Personnel Board by authorizing the State Personnel Board to award reasonable attorney's fees and costs, including expert witness fees.	To Enrollment.
AB 219 (Nakanishi)		This bill would require all state departments, commissions, or other agencies to submit an electronic copy of each publication issued to the State Library. It would require the State Library to create and maintain a Web site that includes a monthly or quarterly list of each state publication issued during the immediately preceding month or quarter and that provides access to an electronic copy of each publication. It would provide that if a copy of a state publication is available on the State Library Web site, it shall be deemed distributed in compliance with specified redistribution requirements.	Senate Appropriations Committee. Held under submission.

AB 271 (BLAKESLEE)	OPPOSE	This bill would require that any person appointed to a scientist class in state service possess a four-year degree in a scientific discipline from an accredited university.	Assembly Inactive File. 2-year bill.
AB 277 (Mountjoy)	SUPPORT	This bill would authorize the Board of Administration of the Public Employees' Retirement System to hold closed sessions when considering matters relating to the development of rates and competitive strategy for long-term care insurance plans.	To enrollment.
AB 297 (Yee)	SUPPORT	This bill would specify that a current patient of a facility operated by the state Department of Mental Health (DMH) cannot file charges against a state employee, but rather must use the grievance processes of the DMH.	Chaptered.
AB 529 (Goldberg)	NEUTRAL	This bill would amend existing law to permit CSU employees to request hearings by the State Personnel Board (SPB) when CSU trustees: (1) fail to comply with their obligation to apply for disability retirement on behalf of an employee as required under existing law and (2) deny a request for reasonable accommodation.	Assembly Third Reading.

AB 775 (Yee)	SUPPORT	This bill would prohibit any state or local governmental agency, or any public or private agency, organization, entity, or program that receives state funding, from using any child, or permitting any child to be used, as an interpreter, as defined, in any hospital, clinic, or physician office in the context of diagnosis and treatment, except as specified. The bill would require each such agency, organization, entity, or program that receives state funding to have in place, and available for inspection, an established procedure for providing competent interpretation services that does not involve the use of children, as defined, in this manner. This bill contains other related provisions and other existing laws.	Senate Judiciary Committee. Failed passage. Reconsideration granted. Hearing cancelled at the request of the author.
AB 836 (Huff)	NEUTRAL	Existing law requires every state agency and court for which an appropriation is made to submit to the Department of Finance for approval, a complete and detailed budget setting forth all proposed expenditures and estimated revenues for the ensuring fiscal year. This bill would require that these budgets utilize a zero-based budget method, as defined.	Assembly Budget Committee 2-year Bill.
AB 884 (Baca)	NEUTRAL	This bill would prohibit a state agency, including the California State University, from employing a primary care physician as an independent contractor when there is an unfilled, full-time primary care physician position available within the state agency, unless the state agency is unable to do so after a good faith effort.	Senate Appropriations Committee. Held under submission.

AB 1066 (Horton, Jerome)	NEUTRAL	This bill would amend existing law to provide that a state agency: (1) may not pay a contractor under a cost-savings contract until the State Personnel Board (SPB) had first approved that contract and all administrative appeals have been exhausted or waived; (2) may not seek to enter into a cost-savings contract with a contractor if SPB disapproved a prior contract with that same contractor for the same services within the preceding 12 months; and (3) must give 10 days prior notice to Bargaining Unit 12 of any contract the agency intends to enter into that may affect that bargaining unit.	Enrolled. To Governor
SB 165 (Speier)	NEUTRAL	This bill would create the Office of the Special Counsel (OSC) as a separate branch of the State Personnel Board (Board), to protect state employees and applicants for state employment who have been retaliated against as a result of their having made protected disclosures under the Whistleblower Protection Act (Government Code section 8547 <i>et seq.</i>).	Senate Appropriations Committee. (Suspense file. 2-year bill.)
SB 606 (Kehoe)	OPPOSE	This bill would authorize that the State Personnel Board may create a classification for full-time lifeguards that does not require completion of the basic training course established by the Commission on Peace Officers Standards and Training.	Senate Appropriations Committee (Suspense File. 2-yr bill)

SB 737 (Romero)		Among other things, upon request of the Governor, the State Personnel Board (SPB) could develop and implement cost-effective recruitment and merit-based selection processes to establish lists of qualified applicants for consideration by the Governor in filling any of the 36 identified positions	Chaptered. Chapter #10, Statutes of 2005.
SB 1095 (Chesbro)	NEUTRAL	<p>This bill would amend existing law by allowing the California Conservation Corps (CCC) exceptions to the current requirements relating to 1) procurement or management of motor vehicle fleets; 2) hire, lease, lease-purchase of property or facilities; 3) limited-term appointments; and 4) hiring-above-minimum salary adjustments.</p> <p>This analysis is limited to those provisions that directly impact the State Personnel Board (SPB). Specifically, the bill would allow CCC to extend limited-term (LT) appointments, beyond the current 2 years, to a maximum of 4 years, when authorized by SPB.</p>	Assembly Appropriations Committee. Suspense file.

MEMORANDUM

TO: STATE PERSONNEL BOARD

FROM: KAREN COFFEE, Division Chief
Merit Employment and Technical Resources Division

REVIEWED BY: KAREN COFFEE, Division Chief
Merit Employment and Technical Resources Division

SUBJECT: ADOPTION OF PROPOSED RESOLUTION TO ABOLISH
ASSOCIATE GOVERNMENTAL PROGRAM ANALYST
ELIGIBLE LIST CREATED BY THE CALIFORNIA
DEPARTMENT OF EDUCATION

REASON FOR HEARING

The California Department of Education (CDE) is requesting that an eligible list created from a promotional Associate Governmental Program Analyst examination given by CDE be abolished even though persons on the list have not had 12 months of eligibility as required by statute. This hearing is to allow the Board to consider this issue and to hear comments from interested parties.

BACKGROUND

In early August, 2005, CDE Personnel management became aware that during the development of the AGPA exam interview questions, copies of the material had been left unattended in a copy machine located in an area where competitors and potential competitors in the Associate Governmental Program Analyst exam had access. An investigation was conducted to determine exactly what happened. This investigation confirmed that in early June 2005, the exam analyst responsible for the conduct of the AGPA exam left materials unattended in a copier that is frequently used by two of the exam competitors. The materials were found by a potential future AGPA exam competitor and were given to the manager of the Selection Services Office. The manager conducted an investigation at the time and concluded that the materials were unattended for a period of time that was too short for an exam breach to have occurred, and the manager allowed the exam to proceed.

During the investigation in August, State Personnel Board (SPB) staff members were consulted and it was concluded that there is sufficient cause for concern about the security of the exam. Thus, the CDE cannot assure that no unauthorized person had an opportunity to see or copy the material. Based on

the results of this investigation, it is in the best interest of all concerned that the CDE expediently pursue abolishment of the current Associate Governmental Program Analyst eligible list, and announce and conduct a new Associate Governmental Program Analyst examination for all who are eligible and apply.

RECOMMENDATION

That the five-member Board adopt the following resolution abolishing the Associate Governmental Program Analyst eligibility list effective September 20, 2005.

WHEREAS, Article VII, Section 1, subdivision (b) of the California Constitution provides, "In the civil service permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination"; and

WHEREAS, Government Code § 18930, in relevant part, provides, "Examinations for the establishment of eligible lists shall be competitive and of such character as fairly to test and determine the qualifications, fitness and ability of competitors actually to perform the duties of the class of position for which they seek appointment..."; and

WHEREAS, Government Code § 18930, in relevant part, provides, "Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skill, or any combination of these; and any investigation of character, personality, education and experience and any tests of intelligence, capacity, technical"; and

WHEREAS, Government Code § 18930.5, in relevant part, provides, "The Board may audit examinations and order corrective action or nullify any examination or parts thereof which have been conducted improperly;" and

WHEREAS, the CDE has conducted a thorough investigation and determined the Associate Governmental Program Analyst examination was compromised; and

WHEREAS, the SPB staff reviewed the investigation and concur with the CDE; and

WHEREAS, the CDE is requesting that the Board abolish the Associate Governmental Program Analyst eligibility list effective September 20, 2005; and

WHEREAS, the CDE has notified all eligible candidates on the existing list and those who were not successful in the oral component only of the Associate Governmental Program Analyst examination about the allegations of a security breach and the need to withhold any appointments at this time, assuring them that the SPB and the Personnel Services Division will do everything they can to expedite a resolution to this matter; and

WHEREAS, the CDE has not made nor intend to make any appointments from the Associate Governmental Program Analyst list, therefore be it

RESOLVED that the State Personnel Board hereby abolish CDE's Associate Governmental Program Analyst list dated June 24, 2005 effective September 20, 2005.

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD DATE SEPTEMBER 20, 2005

(Cal; 09/20/05)

MEMO TO : STATE PERSONNEL BOARD
FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division
SUBJECT : Non-Hearing Calendar Items for Board Action

The staff has evaluated these items and recommend the following actions be taken:

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| A. The Department of Alcoholic Beverage Control (ABC) | 201 |
| proposes to modify the minimum qualifications for the Deputy Division Chief (DDC), ABC, classification by reducing the minimum service required for its Pattern I from two years to one year and for Pattern II from five years to three years. This will permit candidates in the District Administrator, ABC, class to compete for the DDC, ABC, class in a timelier manner. | |

TO: STATE PERSONNEL BOARD

FROM: Phoebe Baker, Staff Personnel Program Analyst
Department of Personnel Administration

REVIEWED BY: Josie Fernandez, Personnel Program Manager
Department of Personnel Administration

SUBJECT: Proposed Specification Revision to the Deputy Division Chief, Alcoholic Beverage Control, Classification to Revise the Minimum Qualifications

SUMMARY OF ISSUES:

The Department of Alcoholic Beverage Control (ABC) proposes to modify the minimum qualifications for the Deputy Division Chief (DDC), ABC, classification by reducing the minimum service required for its Pattern I from two years to one year and for Pattern II from five years to three years. This will permit candidates in the District Administrator, ABC, class to compete for the DDC, ABC, class in a timelier manner.

CONSULTED WITH:

Dennis Clear, Assistant Director, Administration, Alcoholic Beverage Control
Jerry R. Jolly, Director, ABC
Lupe Garcia, Chief Deputy Director, ABC
Frank Marr, Labor Relations Division, Department of Personnel Administration

CLASSIFICATION CONSIDERATIONS:

The ABC enforces the Alcoholic Beverage Control Act through departmental rules and regulations relative to the investigation of applicants, licensees, and operating premises. The DDC, ABC, manages the ABC program through field offices located throughout the state with subordinate managers in the field offices in the District Administrator, ABC, classification.

The District Administrator, ABC, supervises supervisory and rank-and-file staff in a variety of classifications such as investigators holding peace officer powers, licensing representatives, program technicians, and office support. The DDC, ABC, class was initially created in 1955, titled as Assistant Area Administrator; it was later changed to the currently titled Deputy Division Chief (DDC), Alcoholic Beverage Control (ABC).

Since its inception and increasingly in the past few years, the District Administrator, ABC, has been required to exercise higher level of independent decision-making through its increased role in matters outside of the field office. As the department's representative to local offices, governmental agencies, and other constituents, the District Administrator has been authorized by the DDC, ABC, to make decisions to permit disputes and other matters to be resolved in a more efficient and timely manner at the top level. This, in turn, has permitted the District Administrator, ABC, to obtain sufficient experience, as well as acquire the required knowledge

and abilities of the DDC, ABC, classification in a lesser period of time than currently provided for in the class specification for the DDC, ABC, class.

The DDC classification recruits primarily from the District Administrator, ABC, classification. These are presently candidates for the DDA, ABC, classification in the District Administrator, ABC, classification who are deemed to have acquired the necessary knowledge, skills, and abilities for the DDC, ABC, class but who are precluded from competing based on unreasonable service requirements. This poses operational concern to the ABC as it faces impending retirements at the DDC level. In order to permit effective succession planning at this level, the ABC proposes to broaden the candidate pool for the anticipated DDC, ABC, vacancies.

Presently, Pattern I of the DDC minimum qualifications requires two years of service in the District Administrator, ABC, classification; the ABC proposes to reduce this service requirement to one year. Pattern II of the DDC minimum qualifications requires five years of service of increasing responsible experience in work requiring broad public contact and the interpretation and application of laws and regulations, at least three years of which must have included management responsibility for a field or branch office or staff responsibility for an agency wide program. (Experience in California state service applied toward this requirement must include at least two years performing the duties of a class at a level of responsibility equivalent to that of District Administrator, Alcoholic Beverage Control.) The ABC proposes to reduce the five years of service to three years with the corresponding reduction in the experience within State service at a level or responsibility equivalent to District Administrator, ABC, from two years to one year. By reducing the amount of service required for both patterns, the ABC believes it will be able to enhance competition for the DDC class and have an effective succession plan for the attrition from the DDC and District Administrator classifications.

RECOMMENDED CHANGE:

Modify the minimum qualification for the DDC class to permit incumbents of the District Administrator, Pattern I, to file for the exam with one year of service in the class rather than the present two years, and reduce the service requirement for pattern II from five years to three years.

In addition to the above described changes, the knowledge and abilities are updated to reflect the current responsibilities of the classification in Equal Employment Opportunity objectives.

RECOMMENDATION:

That the proposed revised specification for the Deputy Division Chief, Alcoholic Beverage Control Board, as shown in this calendar to be adopted.

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CALIFORNIA STATE PERSONNEL BOARD
SPECIFICATION

Schematic Code:	VP50
Class Code:	8673
Established:	7/9/55
Revised:	1/19/83
Title Changed:	4/21/71

DEPUTY DIVISION CHIEF,
ALCOHOLIC BEVERAGE CONTROL

DEFINITION

Under direction either (1) to assist an Assistant Director and to act for him/her in his/her absence in planning, directing, and coordinating the work of the field offices of the Department of Alcoholic Beverage Control; or (2) in a headquarters assignment to plan, coordinate, and direct a statewide function of the Department; and to do other related work.

TYPICAL TASKS

In a Field Division or in a headquarters assignment in a statewide function, participates in formulation of administrative policies and assists in the development and implementation of rules, regulations, and procedures for uniform enforcement of the Alcoholic Beverage Control Act and the rules and regulations of the Department relative to the investigation of applicants, licensees, operating premises, and business practices; confers with the Assistant Director on policy matters and consults with the field office supervisors; studies and makes recommendations on locations of field offices; assists in planning space requirements and negotiating leases; assists in assigning personnel and in identifying training needs; evaluates performance of field offices, insures uniform adherence to departmental policy and evaluates the effectiveness of enforcement and investigation activities; establishes and maintains cooperative working relationships with local law enforcement agencies and assists in coordinating the activities of field offices; makes recommendations on law changes and departmental rules and regulations; assists in planning and formulating division budget requests; speaks before interested groups; represents the Assistant Director or headquarters staff at conferences or meetings; acts for the Assistant Director in his/her absence; provides information to the public and other governmental agencies; makes special studies and surveys; answers correspondence and prepares reports.

MINIMUM QUALIFICATIONSEither I

~~Two years~~ One (1) year of experience performing the duties of a District Administrator, Alcoholic Beverage Control.

Or II

Experience: ~~Five years~~ Three (3) years of increasingly responsible experience in work requiring broad public contact, and the interpretation and application of laws and regulations, at least ~~three years~~ two (2) years of which must have included management responsibility for a field or branch office or staff responsibility for an agency-wide program. (Experience in the California state service applied toward this requirement must include at least ~~two years~~ one (1) year performing the duties of a class at a level of responsibility equivalent to that of a District Administrator, Alcoholic Beverage Control.) and

Education: Equivalent to graduation from college. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

KNOWLEDGE AND ABILITIES

Knowledge of: Principles, problems, and methods of public administration, including organization and fiscal and personnel management; office management principles, methods, and procedures; purposes, organization, activities of the Department of Alcoholic Beverage Control; local law enforcement responsibilities in California; organization and business methods used in the alcoholic beverage industry; principles of effective supervision; provisions of the California Penal Code, Laws of Arrest, Rules of Evidence, and legal rights of citizens; the Department's ~~Affirmative Action Program~~ Equal Employment Opportunity objectives; and a manager's role in the Affirmative Action Program and the processes available to meet affirmative action objectives responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: Coordinate the activities of the Department of Alcoholic Beverage Control with local law enforcement agencies; organize, train, and direct the work of others; interpret and apply provisions of the Department of Alcoholic Beverage Control; make investigations and prepare detailed and comprehensive reports; answer correspondence independently and interpret and apply laws, regulations, and established policy; develop, direct, and evaluate training programs; analyze situations accurately, draw logical conclusions, and prepare recommendations; establish and maintain cooperative relationships in a variety of work situations and public contacts; think clearly and quickly; ~~speak and write~~ communicate effectively; and effectively

~~contribute to the Department's affirmative action objectives~~ promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.

SPECIAL PERSONAL CHARACTERISTICS

Demonstrated administrative ability; willingness to travel and to work away from the headquarters office.

Minimum age for appointment: 21 years.

FELONY DISQUALIFICATION

Existing law provides that persons convicted of a felony are disqualified from employment as peace officers. Such persons are not eligible to compete for, or be appointed to, positions in this class.

CITIZENSHIP REQUIREMENTS

Existing law provides that all employees currently in the peace officer classifications must either (1) be a United States citizen, or (2) be a permanent resident alien and as soon as legally possible, apply for and meet all the requirements for United States citizenship. Future applicants for peace officer classifications must either (1) be a United States citizen, or (2) be a permanent resident alien who is eligible for and has applied for citizenship at least one year prior to application for employment. (The one-year requirement does not apply to individuals who have applied for peace officer classes prior to their 19th birthday.)